

**ZONING BOARD OF ADJUSTMENT
MINUTES**

MAY 2, 2022

Meeting advertised according to the New Jersey Sunshine Law

Roll call: attending: Mr. Gleiberman, Mr. Naftali, Mr. Ribiat,
Mr. Gross, Mr. Gelley, Mr. Halberstam

Absent: Mr. Gartenhaus

Arrived late: Mr. Lankry, Mr. Ingber

Also attending: Jerry Dasti, Board attorney
Terry Vogt, Engineer/Planner
Francine Siegel, Secretary

Salute to the flag.

Motion to approve minutes of April 4, 2022 – Mr. Ribiat

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gleiberman, Mr. Naftali, Mr. Ribiat, Mr. Gelley, Mr. Halberstam

Adam Pfeffer requested that **Appeal # 4227, Shimon Grinberger**, revised plans not completed asked be carried to the June 13th meeting.

Motion to carry – Mr. Gelley

Second – Mr. Ribiat

Roll call vote: affirmative: Mr. Gleiberman, Mr. Naftali, Mr. Ribiat, Mr. Gross, Mr. Gelley,
Mr. Halberstam

No further notice.

Request from Batya Abadi to carry **Appeal # 4241 – Aaron Puretz**, 309 Miller Road to the June 13th meeting. There is an ordinance that is pending and it may eliminate applicant from requesting a variance.

Motion to carry – Mr. Ribiat

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Gleiberman, Mr. Naftali, Mr. Ribiat, Mr. Gross, Mr. Gelley,
Mr. Halberstam

Appeal # 4243 – Shimon Prag

Motion to carry until the June 13th meeting – Mr. Gelley

Second – Mr. Gleiberman

Roll call vote: affirmative: Mr. Gleiberman, Mr. Naftali, Mr. Ribiat, Mr. Gross, Mr. Gelley,
Mr. Halberstam

Mr. Dasti – gentlemen would like to speak on the temporary tower on Squankum Road
David Miller- Twin Oaks Drive – asked about the temporary tower on Squankum Road – it is still there – was supposed to be a temporary emergency tower – it continues to transmit with no approvals.

Mr. Dasti – will speak to the attorney for the tower tomorrow.

Appeal # 4210 – Aderet Offices, LLC – 2017 Lanes Mill Road, Block 188 Lot 210, R-20 zone.
Use variance for an office building.

Adam Pfeffer, attorney for applicant. Before the board before and they resubmitted revised plans.

Brian Flannery, engineer/planner sworn. They provided additional parking on the site and on the adjoining property. There is a school to the south of this property, they lowered the building by a floor, they provided additional parking on this site and additional parking on the adjoining site.

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A-1 sheet 68 of the tax map

A-6 copy of plan showing revisions.

The size of the building is 39,642 square feet, showing the parking area in the front. There are 75 parking spaces on site. There is more than sufficient parking.

There is an agreement with the adjoining school. The first 4 aisles closer to the building have 88 parking spaces. 51 required by ordinance for the school. The next two rows have 50 parking spaces. The remaining 6 rows have 133 parking spaces. There is more than sufficient parking spaces.

Reviewed Terry Vogts report.

4,040 square feet

Height revised from 68 feet to 49 feet.

They still need a use variance for height - required 35 feet

Use variance for office – not a permitted use

Property behind is OSP and owned by Ocean County

Ordinance does allow parking within 1000 feet of the site. They do not need a parking variance.

There will be no medical offices – strictly office use.

There will be private garbage pick-up – off hours

Mr. Pfeffer -there will be a cross access easement and deed restriction and will provide.

Mr. Halberstam – Asked for fence or chain it off so the kids don't go in that area - would like to see moveable chain link for the school.

Mr. Flannery -They will designate that area during resolution compliance - Parking lot is closer to Lanes Mill Road

Mr. Naftali – would like to see what the school looks like - need to see architectural of the school. This is very well done by the Planning Board and now we are changing it.

Mr. Ribiat – concerned about the kids.

Mr. Lankry – concerned about this being the kids playing in the parking lot.

Parking issues and safety concerns were discussed. 291 parking for the school – 75 for the office building.

Open to Public. Closed to Public.

Motion to approve with safety conditions, contingent on parking being approved by the engineer -Mr. Lankry

Second – Before the resolution is adopted they will show safety concerns and parking.

Dave Magno -asked if this should be seen by the Planning Board.

Roll call vote: affirmative: Mr. Gleiberman, Mr. Lankry, Mr. Ribiat, Mr. Gross, Mr. Gelley,
Mr. Halberstam

Nays: Mr. Naftali

Appeal # 4212 – Mordechai Finkelstein, 465 Chestnut Street, Block 1159.04 Lot 21, R-20 zone
Preliminary and final subdivision to construct duplexes.

Brian Flannery, Engineer/Planner – Applicant revised the plans to eliminate the single family and reduce to 3 duplexes. 2 duplexes will front on Chestnut Gardens Square and 1 duplex on Chestnut Street.

Sheet 150 of the tax map showing the subject property.

Reviewed Terry Vogt's report. There are townhouses to the west, duplexes to the north.

As a condition of approval if the road isn't finished he will have to finish it.

Mr. Halberstam – the parking driveway area isn't it too close to the corner?

Mr. Flannery – Chestnut Garden Square is a one way. The Master Plan recommends that this area be rezoned.

Mr. Halberstam - concerned about that corner setback.

Open to Public.

Dovid Bender, 160 Colonial Drive, affirmed. Objected to application – every house means more traffic.

Aaron Hirsch, 146 Mountainview Drive- concerned about the heavy traffic on Chestnut Street.

Closed to Public.

Mr. Flannery – a traffic report was submitted. A school is a permitted use and would generate more traffic. To build according to the ordinance they could build a school.

Motion to build 4 - Mr. Lankry

25' units – 19' front setback on Clinton Ave. 21.03 and 21.04

Traffic signal be installed

6 units only – 4 will be built until 21.01 and 21.02 on Chestnut Garden Square

21.05 and 21.06 on Chestnut street

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Lankry, Mr. Naftali, Mr. Gelley Mr. Halberstam

Nays: Mr. Gleiberman, Mr. Ribiat Mr. Gross

Motion denied.

Mr. Lankry made a new motion for 1 duplex and 1 single

Open to Public.

Mr. Hirsch, 146 Mountainview – this is a safety manner and a dangerous situation.

Closed to Public.

Mr. Lankry withdrew his motion

Suggested that applicant re-submit and redesign.

Appeal # 4163A – Yosef Magid, Stratford Street & Florence Street, Block 1078 Lots 1 & 3.
Major subdivision to construct 6 duplexes.

Brian Flannery engineer/planner sworn. Received the use now here for the subdivision application. The board asked for architecturals and they were provided.

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A-5 architecturals

Mr. Flannery - Only one outside entrance to the basement.

Open to Public. Closed to Public.

Motion to approve – Mr. Gelley

Second – Mr. Gleiberman

Roll call vote: affirmative: Mr. Gleiberman, Mr Lankry, Mr. Naftali, Mr. Ribiat, Mr. Gross,
Mr. Gelley, Mr. Halberstam

Appeal # 4229 – SGS Development, Block 1159 Lots 40 & 87, R-20 zone.

Motion to carry until June 13th –

Applicant agreed to a waiver of time and no further notice.

Recess.

Moshe Ingber arrived

Appeal # 4234 – Aron Kantor 25 Sherwood Drive, Block 778 Lot 87, R-10 zone.

Brian Flannery, Engineer/Planner, sworn

A-1 Sheet 108 tax map - R-10 zone – described adjacent zones

Asking for a duplex on 10,500 square feet where 12,000 square feet is required.

Asking for 35% building coverage where 30% is required. The redevelopment of houses on the block has occurred.

A-2 use variance plan

Described adjacent properties.

Mr. Flannery reviewed Mr. Vogts report.

A-3

Chairman announced that he is not in favor of this. Not enough square feet for a duplex.

Mr. Flannery – this property borders the HD-7. The closest duplex is across the street.

Open to Public.

Yisroel Mitnick, affirmed, 14 Sherwood Drive – all the neighbors are on board with the application.

Eli Hoberman, affirmed, 11 Sherwood Drive, in favor of this application.

Yitzchok Waldman, 16 Sherwood Drive, in favor of this application.

Yehoshua Frost, 38 Sherwood Drive, affirmed. In favor of this application.

Mr. Flannery - On the north side the lot are all 75 feet wide. There is no negative impact to the neighbors on the street. This is a use variance that enhances the value to the Master Plan.

Motion to approve – Mr. Gross

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Gleiberman, Mr. Ingber, Mr. Ribiat, Mr. Gross
Nayes: Mr. Naftali, Mr. Gelley, Mr. Halberstam

Motion denied.

Appeal # 4214 – Mark Properties LLC, Lenape Trail, Block 2.02 lot 1.02, R-12 zone
Variance requested for front yard setback – 30 feet required, 22 feet proposed

John Paul Doyle attorney for applicant. This is for a single family house – meets all zoning requirements except for front yard setback. It has 22 feet and is required to have 30 feet. No part of this house can be in Jackson Township.

Brian Flannery, Engineer/Planner, sworn.

A-1 sheet 2 of the tax map – shown Township line

A-2 variance map

A-3 architecturals

A-4 aerial map

Mr. Flannery reviewed Terry Vogt, report. The footprint of the house is 1,400 square feet. Nobody has built on this lot because of the hardship in two townships.

Open to Public. Closed to Public.

Motion to approve – Mr. Ingber

Second - Mr. Gross

Roll call vote: affirmative: Mr. Gleiberman, Mr. Ingber, Mr. Naftali, Mr. Ribiat, Mr. Gross,
Mr. Gelley

Nayes: Mr. Halberstam

Chairman announced that we will be stopping at 11:00 o'clock sharp.

Appeal # 4217 – **Cellco Partnership**, 900 Lakewood Ave. Block 44 Lot1, R-12 zone – to
construct a wireless communication tower.

Richard Schneider, attorney for applicant. The application is for an approval of a wireless communications facility at Georgian Court college. The applicant proposes a wireless communications facility consisting a 149 feet to top of the lightening rod. This will replace an existing temporary facility on the campus. Tower will accommodate Verizon and 3 other users This area has been identified as in need of the facility. There are historical structures located on this campus and they will have to submit to State Historic Preservation Office that at this proposed height there will be no adverse impact on historic properties. They issued a finding that at the proposed height there was no adverse impact on the historic properties.

David Stern, radio frequency witness, affirmed

Chairman – asked if he was aware that 40 acres of this site was sold off to BMG to build residential student development and did you take this into account in your study and how this will affect that development.

Mr. Schneider – read about it. It will not be affected by this facility.

Mr. Stern – familiar with the subject property. Reviewed report from the Engineer and reviewed the ordinance. The original site was temporary during the pandemic. The demand has not decreased. The purpose of this application is to make this a permanent site within Georgian Court College. The original site was a temporary site authorized at the beginning of the pandemic and was to provide capacity in Lakewood. The usage and data traffic has not decreased. The network traffic has gone up and continues to go up.

A-1

A-2 existing coverage with COW

A-3 without COW

Mr. Dasti - The temporary is now 2 years old and they are trying to move it to Howell.

Chairman - How will this affect the coverage?

Mr. Stern – the coverage is still there but it is weaker.

Mr. Dasti – there is only a cow and not a permanent facility not in this area?

Which carrier is on the water tower?

Mr. Gross – what is the distance of coverage.

Mr. Stern – ground coverage and what is in its way. Trees and buildings have an impact on the coverage.

Mr. Ingber – does Verizon have antennas on the High Point tower?

Mr. Stern – with the new dormitory, there will be more capacity needed.

A-4 placing antennas @ 120 feet

A-5 placing antennas @ 140 feet pick up Hope Chapel Road and most of Country Place.

A-6

A-7 letter of intent from TMobile

Mr. Stern – prepared a report on the levels of transmission. All the antennas and transmitters are at maximum. The site will be in strict compliance with FCC standards. There are no other existing structures that would allow.....

Motion to carry and continue this application on June 13th – Mr. Gelley

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Gleiberman, Mr. Ingber, Mr. Naftali, Mr. Ribiat, Mr. Gross Mr. Gelley,

Mr. Halberstam

RESOLUTIONS

Chairman announced that **Appeal # 4224 – 60 Drake Road, LLC**, resolution will not be adopted.

Appeal # 4107 – High Point Condo Assoc. Block 423 Lot 156, Massachusetts Ave. Resolution to approve 2- 1 year extensions.

Appeal # 4225 – 19 Chestnut Way LLC, 410 E. Kennedy Blvd, Block 142 Lot 15, OT zone. Resolution to approve a use variance to construct duplexes.

Appeal # 4238 – Bernard Steinharter, 307 Pine Street, Block 774.04 Lot 13.01, R-10 zone, Resolution to approve the construction of a new home with variances approved for side yard, & aggregate side yard

Appeal # 4239 – Aron Levy, 6 Cedar Court, Block 423 Lot 7, R-7.5 zone. Resolution to approve additions to single family house with side yard setback variances.

Appeal # 4242 – Pine Blvd CB, LLC, Pine Blvd., Block 430 Lot 5, HD-7 zone. Resolution to approve a use variance to construct a new home according to the R-7.5 zone requirements.

Fran Siegel
Secretary

